

**The Law of Management of Vacant, Fallow and Virgin Lands**  
**(The Pyidaungsu Hluttaw Law No.10/2012)**  
**The 8<sup>th</sup> Waxing Day of Tagu, 1373 ME.**  
**(30<sup>th</sup> March, 2012)**

**The Pyidaungsu Hluttaw hereby enacts this Law.**

**Chapter I**  
**Title and Definition**

1. This Law shall be called the Law of Management of Vacant, Fallow and Virgin Lands.
2. The following expressions contained in this law shall have the meanings given hereunder:
  - (a) **Central Committee** means the Central Committee for the management of Vacant, Fallow and Virgin Lands;
  - (b) **Ministry** means the Ministry of Agriculture and Irrigation of the Union Government;
  - (c) **Department** means the Settlements and Land Records Department;
  - (d) **Working Group** means the group formed under this law for supporting the management of vacant, fallow and virgin lands;

- (e) **Vacant Land, Fallow Land** means the land on which agriculture or livestock breeding business can be carried out and which was rented and cultivated in the past and abandoned for various reasons and without any tenant cultivating on it and the lands which are specifically reserved by the State.
- (f) **Virgin Land** means wild land and jungle land whether on which there are trees, bamboo plants or bushes growing or not, or whether geographically (surface) topography of the land is even or not and being the new land on which cultivation has never been done, not even once.  
The said expression shall include the lands of forest reserve, grazing ground and fishery which have been legally nullified for the purposes of doing business of agriculture, livestock breeding, mineral production and other businesses permitted by the Government.
- (g) **Security fees** means the advanced payment to be deposited or to be given as surety to the bank recognized by the Union Government, prescribed under this law according to the type of business to

be carried out or used by the person who has the right to carry out or use the vacant, fallow and virgin land.

- (h) **Land Revenue** means the land revenue which is the fixed rate payable to the State contained in the rules made under this law according to the type of business carried out or used by the person who has the right to carry out or use the vacant, fallow and virgin lands.
- (i) **Perennial plant** means the fruit trees and trees grown continuously and from which benefits can be obtained depending upon the kind of plant in a certain period of years.
- (j) **Orchard Crop** means various fruit trees which are cultivated continuously or mixed with others and are harvested repeatedly till the expiry of the life span without any replantation.
- (k) **Seasonal Crop** means the crops cultivated and harvested within the growing season and cultivated again on the prepared land after getting the income.

- (l) **Mineral Production Business** means mineral production business defined in the section(2) sub section(j) of Myanmar Mines Law.
- (m) **Permit** means order permitting the right to carry out or use the land by the Central Committee on the application for the right to carry out or use vacant, fallow and virgin lands in accord with this Law.

## **Chapter II**

### **Formation of Central Committee for the Management of Vacant, Fallow and Virgin Lands**

#### **3. The President of the Union**

- (a) **Shall form the Central Committee for vacant, fallow and virgin lands;** consisting of Union Minister for Ministry of Agriculture and Irrigation, as Chairman, Director General of Settlement and Land Records Department as Secretary, appropriate persons from the government departments concerned and other suitable persons as members, so as to enable to utilize, manage and carry out agriculture, livestock breeding, minerals production and

other lawful businesses permitted by the government on commercial scale by using the vacant, fallow and virgin lands effectively and properly for the economic development of the State.

- (b) **Central Committee**, formed under subsection (a) may be reformed as may be necessary.

### **Chapter III**

#### **Right to carry out or Use The Vacant, Fallow and Virgin Lands**

4. The Central Committee may permit the right to carry out or use vacant, fallow and virgin lands within the state for the following businesses;

- (a) Agriculture
- (b) Livestock breeding
- (c) Mineral production
- (d) Other lawful businesses permitted by the Government.

5. **The following persons and organizations may**, if desirous to obtain the rights to carry out or use the vacant, fallow and virgin lands within the State for the businesses

mentioned in section 4, apply to the Central Committee in accordance with the stipulations.

- (a) Myanmar citizen investors;
- (b) Government departments, Government organizations and non-Government organizations.
- (c) Persons who are exempted in accord with section 14 of the Transfer of Immoveable Property Restriction Law, 1987;
- (d) Investors, who obtained the permission to carry out the businesses of mutual benefit with any Government department or organization under the Foreign Investment Law.
- (e) Investors who obtained the permission to carry out the businesses of mutual benefit with investors of Myanmar citizen under the Foreign Investment Law.

6. The Central Committee shall in respect of matters applied under section 5;

- (a) obtain the remark of the relevant Region or State Government organization.
- (b) request the remark from the Ministry of Mines if it is for the business of mineral production and from the relevant Ministry if it is for other

- businesses contained in sub-section (d) of section 4;
- (c) coordinate with the Ministry of Environmental Conservation and Forestry, other relevant Ministries so as not to damage forest areas which are the reserved forests and protected public forest and for conserving natural lands, watershed areas and natural fisheries;
  - (d) submit the required advice to the Union Government to enable to reclaim distinctly the land use policy of the State.

7. The Central Committee may allow the businesses applied for the right to carry out or use vacant, fallow and virgin lands for making foreign investment with the approval of the Myanmar Investment Commission.

8. The Central Committee may, for enabling to use, manage and carry out the businesses applied for the right to carry out or use vacant, fallow and virgin lands effectively and properly, permit or refuse the right to carry out or use vacant, fallow and virgin lands.

9. The Central Committee shall, when the right to carry out or use vacant, fallow and virgin lands is permitted under section 8, issue the permit after causing to pay security fees.

## **Chapter IV**

### **Stipulations Relating to the Right to carry out or Use Vacant, Fallow and Virgin Lands**

10. The Central Committee may, when permitting vacant, fallow and virgin lands for agriculture, livestock breeding and affiliated economic enterprises in respect of area of land:

- (a) In the agricultural business;
  - (i) For perennial plant, permit not exceeding 5000 acres at a time. If 75 percent of the permitted acres have been fully carried out, permit not exceeding 5000 acres again at a time up to the total of 50000 acres, time after time. If the business which should be permissible for the interest of the State, permit more than 5000 acres at a time of acres that can actually be grown with the approval of the Union Government.
  - (ii) For orchard crops, permit not exceeding 3000 acres.



- (iii) For industrial seasonal crops permit not exceeding 5000 acres at a time. If 75 percent of the permitted acres have been fully carried out, permit not exceeding 5000 again acres at a time up to the total of 50000 acres time after time. If the business which should be permissible for the interest of the State, permit more than 5000 acres at a time with the approval of the Union Government.
  
- (iv) Administer to enable one of the respective regional organization to permit not exceeding 50 acres of vacant, fallow and virgin land for the rural cultivators and persons desirous of carrying out agriculture on manageable family-sized scale.
  
- (b) In the livestock breeding, poultry farming and aquaculture businesses.
  - (i) For the breeding of fish, prawn and crab, permit not exceeding 1000 acres;
  
  - (ii) For the livestock breeding and poultry farming,

- (aa) for the breeding of buffalo, cattle, horse, permit not exceeding 2000 acres;
  - (bb) for the breeding of sheep, goat, permit not exceeding 500 acres;
  - (cc) for the breeding of poultry, pig, duck, quail, permit not exceeding 300 acres;
  - (iii) If it is the breeding not involved in clause (i) and (ii), permit the suitable acres.
- (c) Permit the mineral production business in coordination with the Ministry of Mines of the Union Government,
- (e) Permit other lawful businesses permitted by the government in coordination with the respective Ministry of the Union Government,

11. The Central Committee, may when permitting vacant, fallow and virgin lands for the agriculture, livestock breeding and affiliated economic enterprises in respect of the period:

- (a) In the agricultural business

- (i) For perennial plant and orchard, permit not exceeding 30 years commencing from the year of permission;
  - (ii) For seasonal crops, permit so long as there is no breach of the stipulated terms and conditions.
- (b) in the breeding business, permit not exceeding 30 years commencing from the year of permission.
  - (c) permit to extend not exceeding 30 years in total time after time depending upon the type of business, for the business desirous of further continuation after the expiry of the permitted period under sub-section(a) of clause (i) and sub-section (b)
  - (d) permit the mineral production business in coordination with the Ministry of Mines of the Union Government.
  - (f) permit other lawful businesses permitted by the Government, in coordination with the respective Ministry of Union Government.

12. The Central Committee may, when the investors granted under the foreign investment law or organization consisting of the investors granted under the foreign investment law, apply for obtaining the right to carry out or

use the vacant, fallow and virgin lands, permit after scrutiny only the businesses which are unable to be carried out by the citizens.

## **Chapter V**

### **Security fees and Land Revenue**

13. The Central Committee shall determine the rate of security fees payable by the person who has obtained the right to carry out or use the vacant, fallow and virgin lands in accordance with the type of business.

14. The Central Committee shall determine the rate of land revenue to be levied for the right to carry out or use the vacant, fallow and virgin lands and the appropriate period to be exempted from Land Revenue depending upon the type of business and kind of crops.

15. The department shall

- (a) levy and collect the land revenue from the person who has the right to carry out or use the vacant, fallow and virgin lands commencing from the day of the expiry of the exempted period of Land Revenue according to the type of business and kind of crops.

- (b) supervise and inspect the payment of Land Revenue made by the person who has the right to carry out or use the vacant, fallow and virgin lands.

## **Chapter VI**

### **Terms and Conditions to be Complied with by the Person who has the Right to Carry out or Use Vacant, Fallow and Virgin Lands**

16. The person who has the right to carry out or use vacant, fallow and virgin lands shall;
- (a) carry out only the type of business permitted and affiliated economic enterprises.
  - (b) reclaim and carry out the permitted land until the completion of business according to the stipulation within 4 years starting from the day of permission. For the lapse of the prescribed period due to natural disasters or unstable situation, central committee may revise the stipulated term.
  - (c) not mortgage, gift, sell, lease or transfer by other means or divide the permitted Vacant, Fallow and Virgin Lands without the permission of the Union Government.

- (d) pay up the land revenue for vacant, fallow and virgin lands, which he has the right to carry out or use.
- (e) comply with the conditions relating to the right to carry out or use the vacant, fallow and virgin lands prescribed by the Central Committee.
- (f) not extract other natural resources above or below the ground except the permitted business.
- (g) when acquiring the required land area from the land permitted in the event of finding the natural resources within the permitted land and the Government is desirous to extract commercially, shall return as directed by the Union Government.

## **Chapter VII**

### **Supervision**

17. The Central Committee shall form the working groups and specific bodies in respective Region and State, Stipulate their functions and duties to scrutinize and coordinate the submitted matters concerning the right to carry out or use the vacant, fallow and virgin lands.

18. The Central Committee may form the special body collectively consisting of respective departments from time to

time and confer the power to inspect whether or not the person who has the right to carry out or use the vacant, fallow and virgin lands is implementing the business according to the stipulated conditions.

19. The Central Committee shall have the right to acquire the required minimum land area from the permitted vacant, fallow and virgin lands if one of the following conditions arises.

- (a) if the ancient cultural heritages are found in the permitted vacant, fallow and virgin lands.
- (b) if infrastructure project or special project is required to be implemented for the interest of the State.
- (c) if different resources other than the permitted type of metal is found in the permitted vacant, fallow and virgin lands for the mineral production business.
- (d) if the mineral resources are found in the vacant, fallow and virgin lands permitted to carry out the business contained in Section 4 sub-section(a) (b) and (c).

20. The Central Committee shall for acquiring the permitted vacant, fallow and virgin lands under section 19, coordinate with the respective department and organizations

to enable to obtain the expenditures actually invested by the person who has the right to carry out or use within the appropriate specified period by calculating the current value with the approval of Union Government.

21. The Central Committee has the right to confiscate the original deposited security fees as the State finance and shall also revoke the right to carry out or use if it is found that one of the conditions contained in this law is violated by the person who has the right to carry out or use vacant, fallow and virgin lands.

22. The person and Organization having the right to carry out or use under the permit of the Central management committee of vacant, fallow and virgin lands before the enactment of this law shall;

- (a) submit to the Central Committee after compilation of record describing the area of permitted vacant, fallow and virgin lands, the date of issue and letter number of permission fully, the area actually reclaimed, carried out and used and the rest of the area with irrefutable evidence attached with the photographic records.



- (c) comply with and carry out in accord with this Law relating to the vacant, fallow and virgin lands reclaimed, carried out and used;
- (d) be deemed that the State has confiscated the vacant, fallow and virgin lands which are not yet reclaimed, carried out and used after the expiry of the original permitted period.
- (g) If it is found the failure of carrying out the business in accord with the stipulated terms and conditions or the violation of terms and conditions within the original permitted period, security fees shall be confiscated as the State finance and the right to carry out or use vacant, fallow and virgin lands shall be revoked.

## **Chapter VIII**

### **Supporting the Persons who have the Right to Carry out or Use Vacant, Fallow and Virgin Lands**

23. The Central Committee may:
- (a) support necessary assistance if the person who has the right to carry out or use vacant, fallow and virgin lands, communicates and makes requests for technology, quality seeds or

breeds and other support for agriculture or livestock breeding.

- (b) scrutinize and recommend to the relevant department and organization if the person who has the right to carry out or use vacant, fallow and virgin lands is desirous to obtain loans for investment or supporting material and services for assistance.
- (c) recommend to the relevant Ministry for obtaining special loan from the State, after the person who has the right to carry out or use vacant, fallow and virgin lands, has implemented and carried out the business and incurs the serious damage or losses due to natural disaster, such as storm.

24. The Central Committee shall refund the security fees to persons who have the right to carry out or use vacant, fallow and virgin land, who have implemented the business completely in accord with terms and conditions within the stipulated period.

25. The Central Committee shall:

- (a) if the person who has the right to carry out or use submits that he has suffered the dispute, obstruction, trespass and mischief by local cultivators in implementing the business, coordinate with the relevant department or organization firstly. If the coordination is not settled, it shall be carried out in accord with law.
- (b) if the land previously have been being cultivated by local cultivators are included in the area of permitted vacant, fallow and virgin lands even if they do not have the legal right to cultivate, negotiate and carry out on their volition so as not to suffer.
- (c) if there are cultivators who already had the right to cultivate on the permitted vacant, fallow and virgin lands, cause to continue to carry out according to law with bi-lateral agreement.

## **Chapter IX**

### **Offences and Penalties**

26. Whoever commits mischief relating to property on the land having the right to carry out or use vacant, fallow and virgin lands under this law shall, on conviction, be punished with imprisonment for a term not exceeding three years or with fine not exceeding ten hundred thousand kyats or with both.

27. Whoever trespasses and carried out on the lands having the right to carry out or use vacant, fallow and virgin lands under this law without permission of the person who has the right to carry out or use vacant, fallow and virgin lands or the person who is responsible on his behalf shall, on conviction, be punished with imprisonment for a term not exceeding two years or with fine not exceeding five hundred thousand kyats or with both.

28. Whoever obstructs the implementation of business on the land having the right to carry out or use vacant, fallow and virgin lands under this law, of the person who has the right to carry out or use vacant, fallow and virgin lands or of the person who carries out under the permission of such person shall, on conviction, be punished with imprisonment

for a term not exceeding one year or with fine not exceeding three hundred thousand kyats or with both.

29. Whoever fails to leave from the land, which right to carry out or use vacant, fallow and virgin lands under this law is revoked shall, on conviction, be punished with imprisonment for a term not exceeding one year or with fine not exceeding three hundred thousand kyats or with both.

## **Chapter X**

### **Miscellaneous**

30. The offences contained in Chapter IX shall be deemed as cognizable offences.

31. The Central Committee may cause the person who has the right to carry out or use vacant, fallow and virgin lands to submit the situation of implementation and completion of the business in accord with the stipulations.

32. The Central Committee shall submit the implementation relating to the management of vacant, fallow and virgin lands once in six months to the Union Government. If policy-related matter arises to accept the decision, it shall be submitted to the President systematically and accept guidance.

33. The Central Committee formed under this law shall succeed the functions and duties of the former Central Committee for the management of vacant, fallow and virgin lands formed before the enactment of this Law.

34. In implementing the provisions contained in this Law:

- (a) the Ministry may issue the necessary rules, regulations and bye-laws with the approval of the Union Government:
- (b) the Ministry and the Central Committee may issue the necessary notifications, orders, directives and procedures.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

President of the Union  
The Republic of the Union of  
Myanmar